

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

At the outset, Applicants thank Examiner Mesh of the U.S. Patent and Trademark Office for his time and consideration in discussing the present application with Applicants' representative on October 27, 2006. Applicants' representative noted that Japanese Patent Document No. 60-127149 and a partial translation thereof was cited in a form PTO-1449 submitted with an Information Disclosure Statement (IDS) filed on May 31, 2006. Copies of such cited documents were received in the Patent Office, as evidenced by the availability of images of such documents in the Patent Office PAIR system. Accordingly, Applicants hereby request consideration of the cited documents previously submitted in the Patent Office.

In this regard, attached for the Examiner's convenience is a form PTO-1449 citing the previously cited documents. Issuance of an Examiner-initialed copy of the form PTO-1449 is respectfully requested.

By the above amendments, claim 1 has been amended for clarification purposes by replacing the ranges "60 to 96.7", "0.3 to 10" and "3 to 30", with "73 to 95.5", "0.5 to 7" and "4 to 20", respectively. Support for the above amendments can be found in the instant specification at least at page 10, lines 15-17.

In the Official Action, claims 1-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,206,294 (*Dawson*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Independent claim 1 is directed to a thermoplastic resin composition comprising 73 to 95.5 parts by weight of (A) an ionomer wherein 20 to 90% of carboxyl group of ethylene/(meth)acrylic acid copolymer is neutralized by metal ion; 0.5 to 7 parts by weight of (B) a copolymer of ethylene or α -olefin, containing glycidyl (meth)acrylate or unsaturated glycidyl ether, optionally further containing vinyl ester or unsaturated carboxylic acid ester; and 4 to 20 parts by weight of (C) propylene/ α -olefin copolymer.

Dawson relates to thermoplastic polymer alloy compositions and to a process for producing such compositions (col. 1, lines 6-9).

The standard for properly asserting prior art in an anticipation rejection under 35 U.S.C. §102 is well established. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Furthermore, "prior art which teaches a value or range that is very close to, but does not overlap or touch, the claimed range does not anticipate the claimed range." M.P.E.P. §2131.03(III).

In the present case, *Dawson* does not disclose each feature recited in independent claim 1, and as such fails to constitute an anticipation of such claim. For example, *Dawson* does not disclose a thermoplastic resin composition comprising 73 to 95.5 parts by weight of (A) an ionomer wherein 20 to 90% of carboxyl group of ethylene/(meth)acrylic acid copolymer is neutralized by metal ion, as recited in claim 1. By comparison, *Dawson* discloses a thermoplastic alloy composition comprising 20-60 wt. % of an ionomeric copolymer of ethylene and an alpha, beta-unsaturated C₃-C₈ carboxylic acid (col. 1, lines 56-

65). There is simply no disclosure of a composition comprising 73 to 95.5 parts by weight of an ionomer wherein 20 to 90% of carboxyl group of ethylene/(meth)acrylic acid copolymer is neutralized by metal ion, as recited in claim 1.

For at least the above reasons, it is apparent that *Dawson* fails to constitute an anticipation of independent claim 1. Accordingly, withdrawal of the above §102(b) rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: October 27, 2006

By:



Roger H. Lee
Registration No. 46317

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620